

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARBANS SINGH,

Defendant.

CASE NO. CR20-085 RAJ

ORDER CONTINUING TRIAL

THIS COURT having considered the United States' Motion to Continue Trial Date (Dkt. 67), the Defendant's Response in opposition (Dkt. 68), the United States' Reply (Dkt. 70), and the files and pleadings herein, hereby FINDS as follows:

1. The trial date in this matter was initially set 69 days after the Defendant's initial appearance.
2. The Defendant filed his first motion to dismiss on August 18, 2020, and this Court held a hearing on the Defendant's three motions to dismiss on November 4, 2020. The 78 days between August 18, 2020, and November 4, 2020 are therefore excluded under 18 U.S.C. § 3161(h)(1)(D) from the Speedy Trial Act's 70-day trial deadline. *See* 18 U.S.C. § 3161(c)(1). Similarly, the Defendant filed a

1 motion to sever on February 23, 2021, which was denied in an order of this Court
 2 issued March 12, 2021. The 17 days between those dates are therefore also
 3 excluded under 18 U.S.C. § 3161(h)(1)(D) from the Speedy Trial Act's 70-day
 4 trial deadline. As a result, even setting aside any exclusions of time due to the
 5 COVID-19 pandemic or other aspects of this case, 95 days of the time since July
 6 28, 2020 are automatically excludable under 18 U.S.C. § 3161(h)(1)(D).
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- 8 3. In several orders, this Court previously moved the October 5, 2020 trial date to
 9 April 12, 2021. *See* Dkts. 58, 62.
- 10 4. Based on General Orders 18-20 and 04-21 of the United States District Court for
 11 the Western District of Washington, which Orders are incorporated herein by
 12 reference; the Court's other General Orders regarding COVID-19; the health
 13 directives discussed in those Orders; and the latest data on COVID-19 cases,
 14 recommended social distancing and other health measures, along with risks to
 15 jurors, witnesses, counsel, the parties, the Court, and courtroom security, have
 16 made or will make it difficult or impossible to proceed with any jury trials prior to
 17 mid-May 2021 and difficult or impossible to proceed with multiple jury trials
 18 within the Seattle courthouse until after June 30, 2021.
- 19 5. In addition, the "nature of the prosecution" is also "unusual," in that the
 20 government anticipates that it will attempt to introduce evidence from the United
 21 Kingdom through the testimony of at least one local law enforcement officer from
 22 the United Kingdom, which officer will have to travel during a pandemic that has
 23 closed international borders, and after a new strain of COVID-19 was discovered
 24 in the United Kingdom. 18 U.S.C. § 3161(h)(7)(B)(i).
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1 6. Due to these considerations, and given the facts outlined in the government's
2 motion, the ends of justice served by continuing the trial in this case outweighs the
3 best interest of the public and the defendant to a speedy trial, and the time between
4 March 31, 2021, and June 30, 2021, is excludable time under 18 U.S.C. §
5 3161(h)(7)(A).
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8 IT IS THEREFORE ORDERED that the United States' Motion to Continue Trial
9 Date is GRANTED. The trial date in this matter is continued from April 12, 2021, to
10 July 26, 2021, at 9:00 a.m.
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12 DATED this 1st day of April, 2021.

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15 The Honorable Richard A. Jones
16 United States District Judge
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